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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,922	03/01/2002	David F. Hare	56162.000351	3799

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EXAMINER

DOAN, DUYEN MY

ART UNIT PAPER NUMBER

2152

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/683,922	Applicant(s) HARE ET AL.	
	Examiner Duyen M. Doan	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22, 25-36 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22, 25-36 and 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the submission filed 1/23/06; Claims 1-22, 25-36, 38-41 are amended for examination. Claims 23-24, 37 are cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22, 25-36 and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (us 2002/0026528) in view of Ortega et al (us pat 6,711,162) (hereinafter Ortega).

As regarding claim 1, Lo discloses receiving, at a gateway, a non-PPPoE frame from the client that does not support PPPoE, wherein the non-PPPoE frame includes data intended for receipt by an access concentrator that support PPPoE (see Lo pg.3, par 37, 42-43); and providing the PPPoE frame to the access concentrator from the gateway thereby establishing a virtual PPPoE session for the client that does not support PPPoE (see Lo pg.3, par 37, 42-43).

Lo does not explicitly disclose using gateway to encapsulate data intended for recipients from a non-PPPoE frame into an PPPoE frame.

However Ortega teaches an inventive concept that include the use of proxy engine for encapsulating the first non-PPPoE frame to generate a PPPoE frame (see col.3, lines 29-39; col.9, lines 43-67, also see fig.2, proxy engine 54).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Ortega to the method of Lo to encapsulating the first non-PPPoE frame to generate a PPPoE frame because by encapsulating the first non-PPPoE frame to generate a PPPoE frame would allow communication between endpoints using two different protocols which included any type of nodes in a network at the time of the invention was made includes access concentrator, gateway proxy or any other type or nomenclature of the nodes, become possible (see Ortega col.1, lines 60-67).

As regarding claim 2, Lo-Ortega disclosed the step of initiating a PPPoE session between the gateway and the access concentrator for the client (see Ortega col.9, lines 53-67). The same motivation was utilized in claim 1 applied equally to claim 2.

As regarding claim 3, Lo-Ortega disclosed the non-PPPoE frame includes an IP packet (see Ortega, col.1, lines 62-67, col.8, lines 52). The same motivation was utilized in claim 1 applied equally to claim 3.

As regarding claim 4, Lo-Ortega disclosed the gateway includes one of a group consisting of: a digital subscriber line modem, a cable modem, a router, and a wireless

Art Unit: 2143

access point (see Ortega, col.2, lines 38-64). The same motivation was utilized in claim 1 applied equally to claim 4.

As regarding claim 5, Lo-Ortega disclosed receiving, at an input interface, the non-PPPoE frame from the clients (see Ortega, figure 7, forwarding non-PPPoE from the hub to PPP/PPPoE encapsulation engine); providing the non-PPPoE frame to a bridge; forwarding the non-PPPoE frame to a PPPoE stack from the bridge see (see Ortega figure 7). The same motivation was utilized in claim 1 applied equally to claim 5.

As regarding claim 6, Lo-Ortega disclosed the input interface includes an Ethernet interface (see Ortega col.7, line 25). The same motivation was utilized in claim 1 applied equally to claim 6.

As regarding claim 7, Lo-Ortega disclosed modifying the non-PPPoE frame to generate a PPPoE frame includes the steps of: adding, at the PPPoE stack, a PPP header to the non-PPPoE frame to generate a PPPoE frame (see Ortega, col.24, lines 1-13); and adding, at the PPPOE stack, a PPPoE header to the PPPoE frame to generate a PPPoE frame (see Ortega, col.24, lines 1-13). The same motivation was utilized in claim 1 applied equally to claim 7.

As regarding claim 8, Lo-Ortega disclosed providing the PPPoE frame from the PPPoE stack to a frame reflector; providing the PPPOE frame from the frame reflector to the bridge; and providing the PPPoE frame from the bridge to an output interface for output to the access concentrator (see Ortega, figure 7, after encapsulation the packet will go to the bridge). The same motivation was utilized in claim 1 applied equally to claim 8.

Art Unit: 2143

As regarding claim 9, Lo-Ortega disclosed the output interface includes a UTOPIA interface (see Ortega col.11, line 58). The same motivation was utilized in claim 1 applied equally to claim 9.

As regarding claim 10, Lo-Ortega disclosed the output interface further includes a RFC 1483 interface (see Ortega col.7, lines 31-36). The same motivation was utilized in claim 1 applied equally to claim 10.

As regarding claim 11, Lo-Ortega disclosed receiving, at the gateway, a PPPoE frame from the access concentrator, wherein the PPPoE frame includes data intended for receipt by the client (see Ortega, col.9, lines 53-67, col.10, lines 1-22); modifying, at the gateway, the PPPoE frame to generate a non-PPPoE frame, wherein the non-PPPoE frame includes the data intended for receipt by the client (see Ortega, col.9, lines 53-67, col.10, lines 1-22, proxy service will covert between PPP and PpoE); and providing the non-PPPoE frame to client from the gateway (see Ortega, col.10, lines 1-22). The same motivation was utilized in claim 1 applied equally to claim 11.

As regarding claim 12, Lo-Ortega disclosed receiving, at a gateway, a PPPOE frame from the access concentrator, wherein the PPPoE frame includes data intended for receipt by the client (see Lo pg.3, par 37, 42-43); deencapsulating, at the gateway, the PPPoE frame to generate a non-PPPoE frame, wherein the non-PPPoE frame includes the data intended for receipt by the client (see Ortega col.23, lines 67, col.24, lines 1-3, stripping off the PPPoE frame); and providing the non-PPPoE frame to the non-PPPoE client from the gateway (see Lo pg.3, par 37, 42-43). The same motivation was utilized in claim 1 applied equally well to claim 12.

Art Unit: 2143

As regarding claims 13-21, the limitations are similar to claims 2-11, therefore rejected for the same rationale as claims 2-11.

As regarding claims 22, Lo-Ortega discloses receiving, at a bridge, a first frame having a PPPoE format from a first client that supports PPPoE (see Lo pg.2 par 22-25, 29, the packet receive at the gateway translate to Ethernet packet, except for packets receive on Ethernet port), wherein the first frame is intended for receipt by an access concentrator (see Lo pg.3, par 37, 42-43); receiving, at the bridge, a second frame having a non-PPPoE format from a second client, wherein the second frame is intended for receipt by an access concentrator (see Lo pg.3, par 37, 42-43); providing, from the bridge, the first frame to an interface for output to an access concentrator (see Lo pg.3, par 37, 42-43); providing, from the bridge, the second frame as an IP packet to an IP stack; routing the IP packet to a PPPoE stack (see Lo pg.3, par 37, 42-43); encapsulating, at the PPPoE stack, the IP packet into a third frame having a PPPoE format (see Ortega col.23, lines 67, col.24, lines 1-3, stripping off the PPPoE frame); and providing the third frame to the interface for output to an access concentrator (see Lo pg.3, par 37, 42-43). The same motivation was utilized in claim 1 applied equally well to claim 22.

As regarding claims 22,25- 29 the limitation are similar to claims 2-11 therefore rejected for the same rationale as claims 2-11.

As regarding claims 30-35, the limitations are similar to claims 1-11, therefore rejected for the same rationale as claims 1-11.

Art Unit: 2143

As regarding claims 36-41, the limitations are similar to claims 22,25-29, therefore rejected for the same rationale as claims 22,25-29.

Response to Arguments

Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2143

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Duyen Doan
Art unit 2152

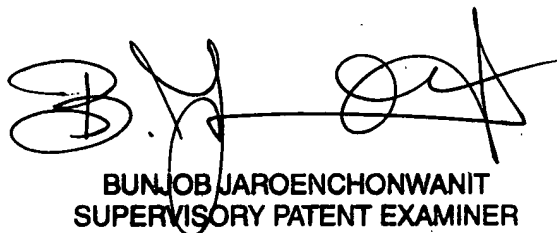
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